

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

CORDERO LIONELL CANADA,

Petitioner,

v.

CIVIL ACTION NO. 5:16-cv-05487

WARDEN YOUNG,

Respondent.

**MEMORANDUM OPINION AND ORDER**

On June 17, 2016, the Petitioner, proceeding *pro se*, filed his *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1). Subsequently, on July 29, 2016, the Respondent filed a *Response to Order to Show Cause* (Document 8) seeking dismissal of the Petitioner's action.

By *Standing Order* (Document 3) entered on June 20, 2016, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On February 28, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that the Respondent's *Response to Order to Show Cause* (Document 8) seeking dismissal of the Petitioner's action be granted, the Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1) be dismissed, and this matter be removed from the Court's docket.


Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 19, 2018.<sup>1</sup>

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that that the Respondent's *Response to Order to Show Cause* (Document 8) seeking dismissal of the Petitioner's action be **GRANTED**, the Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1) be **DISMISSED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: March 22, 2018

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA

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<sup>1</sup>The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on March 9, 2018.